

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0607

HOUSE BILL NO. 1231

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to appropriate funds from the water and environment fund
2 and the environment and natural resources fee fund, to authorize the state cost share for the
3 Lewis and Clark Rural Water System, and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. There is hereby appropriated from the South Dakota water and environment fund
6 established pursuant to § 46A-1-60, the sum of four million five hundred thousand dollars
7 (\$4,500,000), or so much thereof as may be necessary, to the South Dakota Conservancy
8 District for the purpose of providing grants and loans to project sponsors under the consolidated
9 water facilities construction program established pursuant to § 46A-1-63.1. Funds shall be
10 provided according to terms and conditions established by the Board of Water and Natural
11 Resources.

12 Section 2. There is hereby appropriated from the South Dakota water and environment fund
13 established pursuant to § 46A-1-60, the sum of two hundred thousand dollars (\$200,000), or so
14 much thereof as may be necessary, to the South Dakota Conservancy District for the purpose
15 of providing a grant to local project sponsors for the engineering design, preconstruction

1 activities, and construction of the Lewis and Clark Rural Water System as authorized in § 46A-
2 1-13.10. Funds shall be used by the project sponsors for activities that qualify as nonfederal
3 matching requirements as enumerated in P.L. 106-246 as amended to January 1, 2001. Funds
4 shall be provided according to terms and conditions established by the Board of Water and
5 Natural Resources.

6 Section 3. There is hereby appropriated from the South Dakota water and environment fund
7 established pursuant to § 46A-1-60, the sum of one million seven hundred thousand dollars
8 (\$1,700,000), or so much thereof as may be necessary, to the South Dakota Conservancy
9 District for the purpose of providing a loan to the project sponsors to be used for the engineering
10 design, preconstruction activities, and construction of the facilities included in the Mni Wiconi
11 Rural Water System as authorized in § 46A-1-13.4. Funds shall be used by the project sponsors
12 for activities that qualify as nonfederal matching requirements as enumerated in P.L. 100-516 as
13 amended to January 1, 2001. Funds shall be provided according to terms and conditions
14 established by the Board of Water and Natural Resources.

15 Section 4. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota
16 water and environment fund established pursuant to § 46A-1-60, from fees received pursuant to
17 §§ 34A-6-81 to 34A-6-84, inclusive, a grant in the sum of one million five hundred thousand
18 dollars (\$1,500,000), or so much thereof that may be necessary, to the South Dakota
19 Department of Environment and Natural Resources to be used for the statewide cleanup of waste
20 tires and solid waste. Notwithstanding § 46A-1-61, the department may fund up to one hundred
21 percent of the nonfederal share of statewide waste tire and solid waste cleanup projects.

22 Section 5. There is hereby appropriated from the South Dakota environment and natural
23 resources fee fund established pursuant to § 1-40-30, the sum of three hundred thousand dollars
24 (\$300,000), to the Department of Environment and Natural Resources for the determination of

1 selected total maximum daily load limits as required pursuant to the 1998 South Dakota 303(d)
2 waterbody list developed pursuant to the federal Clean Water Act § 303(d) (33 U.S.C.
3 § 1313(d)) as amended to January 1, 2001. Any funds appropriated by this section that are not
4 expended for the authorized purpose shall be deposited in the South Dakota water and
5 environment fund established pursuant to § 46A-1-60.

6 Section 6. That § 46A-1-13.10 be amended to read as follows:

7 46A-1-13.10. Pursuant to §§ 46A-1-11 to 46A-1-13, inclusive, construction of the South
8 Dakota project features of a two hundred seventy-two million eight hundred thousand dollar
9 Lewis and Clark rural water system ~~South Dakota project features~~ as generally described in the
10 report "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South
11 Dakota, Iowa and Minnesota" dated ~~April 1991, as revised by the report "project summary and~~
12 ~~request for authorization Lewis and Clark rural water system" dated December "992~~ September
13 1993, is hereby authorized for the purposes of providing safe and adequate municipal, rural and
14 industrial water supplies as well as mitigation of wetlands and water conservation in the counties
15 of Union, Clay, Lincoln, Turner, Minnehaha, McCook, ~~Hanson, Davison, Sanborn, Miner, and~~
16 ~~Lake, Moody, Brookings and Kingsbury counties. The amount authorized for the construction~~
17 ~~of the Lewis and Clark rural water system is the amount allocated to construct the water supply~~
18 ~~facilities for the South Dakota membership. The Governor and the local project sponsors may~~
19 ~~negotiate with Congress a nonfederal matching agreement for the South Dakota project features.~~
20 ~~The State of South Dakota's cost share may not exceed fifty percent of the total nonfederal~~
21 ~~match requirement for the South Dakota project features.~~

22 There is hereby authorized from the South Dakota water and environment fund established
23 pursuant to § 46A-1-60, a grant in the amount of eighteen million five hundred eighty-five
24 thousand five hundred forty dollars (\$18,585,540), or so much thereof as may be necessary, to

1 provide the State of South Dakota's portion of the nonfederal matching requirement for the
2 Lewis and Clark Rural Water System. No disbursements may be made under the grant authorized
3 by this section unless funds are appropriated by the Legislature in conformance with § 46A-1-61.
4 Grant terms and conditions shall be set by the Board of Water and Natural Resources.

5 The grant authorized by this section may be increased or decreased by such amounts as may
6 be justified by reason of ordinary fluctuations in development costs incurred after September
7 1993, as indicated by engineering costs indices applicable for the type of construction involved.

8 Section 7. Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
10 force and effect from and after its passage and approval.